

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

MATHEW MARTOMA,

Defendant.

USDC SDNY  
DOCUMENT  
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DATE FILED: 1/9/2014

**ORDER**

S1 12 Cr. 973 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Defendant Mathew Martoma is charged with conspiracy to commit securities fraud, in violation of 18 U.S.C. § 371, and with two counts of securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff, 17 C.F.R. §§ 240.10b-5 and 240.10b5-2, and 18 U.S.C. § 2. (Superseding Indictment (Dkt. No. 61)) Jury selection in this matter began on January 7, 2014.

On December 6, 2013, Martoma and the Government filed cross-motions in limine concerning certain evidence related to disciplinary proceedings brought against Martoma in 1999, when he was a student at Harvard Law School (the “Law School Evidence”). When Martoma filed his motion, he asked this Court to seal all papers concerning the cross-motions, and to “close from the public any hearing on either t[he] Request to Seal or the motion[s] in limine and related papers.” (Dkt. No. 153)


In a December 28, 2013 order, this Court denied Martoma’s application for sealing and closure. (Dkt. No. 154) The Court stayed immediate disclosure of the material and the Order, however, to permit Martoma to seek a stay from the U.S. Court of Appeals for the Second Circuit. (Id.)

On December 30, 2013, Martoma filed a notice of appeal, and a motion for a stay in the Second Circuit. In a January 8, 2014 order, the Court of Appeals dismissed Martoma's appeal for lack of jurisdiction, and denied the motion to stay as moot.

The Court of Appeals having dismissed Martoma's appeal from this Court's December 28, 2013 order, this Court's stay of that order is hereby lifted. The Clerk of the Court is respectfully directed to unseal the motions in limine and related submissions concerning the Law School Evidence (Dkt. Nos. 153-164).

Dated: New York, New York  
January 8, 2014

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge